

October 4, 2002

Special Permit # 1985- reconstruction and expansion of a non-conforming use.

Dear Chair Cook and Members of the City Council:

I hereby veto Resolution No. A-81727 passed on Monday, September 30, 2002, that authorized the reconstruction and expansion of a non-conforming use at 9400 Yankee Hill Road.

The Planning Department staff expressed concerns with this proposal based on the facts that:

- 1) The recently adopted 2025 Comprehensive Plan shows this particular location as Urban Residential on the Land Use Plan.
- 2) The Southeast Lincoln/Highway 2 Subarea Plan designates this area as Urban Residential.
- 3) The reconstruction and expansion will allow the non-conforming use to continue for the life of the new building.
- 4) The continued use of this business will influence future land use decisions on the surrounding property.
- 5) Highway 2 is a primary entry way and should be treated very sensitively.
- 6) Non-conforming uses which are destroyed should not expect the right to continue at that inappropriate site.

The Planning Department recommended denial. The Planning Commission, at its meeting on September 4, 2002, voted 7-1 for conditional approval.

I understand this site was the scene of a fire. The owner testified that he will receive a large settlement from his insurance company. This settlement could be used to relocate to an area zoned for this type of business. Because the current owner will eventually sell the property, the new owner will have the right to convert the building to a use that is allowed in any of the commercial zoning districts including but not limited to fast food restaurants and truck stops.

I am aware of other commercial zone changes that will be coming forth in this area that are watching our actions on this request to "test the waters." I feel this makes the wrong statement about our community's commitment to plan its destiny. I am very committed to a strong, careful planning program.

Therefore, I have vetoed this special permit. I ask for your support to sustain this veto.

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Don Wesely, Mayor